

Introduced by Senator KehoeFebruary 23, 2012

An act to amend Sections 7206, 7225, 7226, 7228, 7242, 7404, 7420, 7421, 7423, 7443, 7643, 7652, 7670, 7671, 7673, 7680, 7692, 7750, 7751, 7755, 7770, 7771, 7772, 7772.1, 7780, 7800, 7840, 7850, 7857, and 7882 of, and to add Sections 7230, 7425, 7675, and 7784 to, the Elections Code, relating to political party organization.

LEGISLATIVE COUNSEL'S DIGEST

SB 1272, as introduced, Kehoe. Political party organization: county central committees.

Existing law establishes the political party organization of the Democratic Party of California, the California Republican Party, the American Independent Party of California, and the Peace and Freedom Party of California. Existing law requires the members of a county central committee of each of those parties be elected in each county at every statewide direct primary election.

This bill would delete the requirement that those members be elected at every statewide direct primary election and instead would permit those members to be elected at every presidential primary election. This bill would also specify that a county central committee of any of those parties, in accordance with the rules and regulations adopted by the committee, may select its members at any time by holding a caucus or convention, or by using any other method of selection approved by the committee.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 7206 of the Elections Code is amended to read:

7206. In each county the nominee of this party for Senator or the incumbent Senator, the nominees of this party for the Assembly, and any person elected to either the Senate or Assembly at a special election to fill a vacancy in that house, and the nominee of this party for Representative in Congress, and any person elected at a special election to fill a vacancy in the House of Representatives, shall be ex officio members of this committee. If the person elected from one party at the special election for an Assembly or Senate seat, or for the House of Representatives, shall be other than the nominee of that party for the same office at the prior election, the ex officio membership of the nominee shall expire immediately upon certification by the Secretary of State of the election. Ex officio members shall be entitled to all the rights and privileges, including the right to vote, and shall have the same standing in every way as other members of this committee, except they shall not be entitled to a ballot designation of incumbent upon seeking election to this committee in the next ~~direct~~ *presidential* primary.

SEC. 2. Section 7225 of the Elections Code is amended to read:

7225. At every ~~direct~~ *presidential* primary election, a county central committee ~~shall~~ *may* be elected in each county.

SEC. 3. Section 7226 of the Elections Code is amended to read:

7226. The elections official, no later than January 31 preceding the ~~direct~~ *presidential* primary, shall compute the number of members of the committee allotted to each Assembly district or supervisor district, as the case may be, pursuant to this article.

SEC. 4. Section 7228 of the Elections Code is amended to read:

7228. If the elections official, on the 73rd day prior to the ~~direct~~ *presidential* primary election, finds that the number of candidates nominated for election to a committee from an Assembly or supervisorial district does not exceed the number of candidates to be elected from that Assembly or supervisorial district, the designation of the office and the names of the candidates shall not be printed on this party's ballot in the Assembly or supervisorial district, unless there is filed with the elections official, not later than 20 days after the final date for filing nomination papers for the positions, a petition indicating that a write-in campaign will

be conducted for the office and signed by 25 registered voters affiliated with the political party involved. In lieu thereof, the board of supervisors shall declare elected the candidates who have been nominated, and those candidates shall be entitled to receive certificates of election in the same manner as other candidates elected to a committee.

SEC. 5. Section 7230 is added to the Elections Code, to read:

7230. Notwithstanding any other provision of law, a county central committee, in accordance with the rules and regulations adopted by the committee, may select its members at any time by holding a caucus or convention, or by using any other method of selection approved by the committee.

SEC. 6. Section 7242 of the Elections Code is amended to read:

7242. The committees shall perform any other duties and services for this political party as seem to be for the benefit of the party. They shall continue to function and exist until the election at the succeeding ~~direct~~ *presidential* primary, *or the selection pursuant to Section 7230*, and qualification of the members of the new committees.

SEC. 7. Section 7404 of the Elections Code is amended to read:

7404. (a) In each county, the nominee of the party for State Senator, the nominees of the party for the Assembly, and any person nominated to either the Senate or Assembly at a special election to fill a vacancy in the house, and the nominee of the party for Representative in Congress shall be ex officio members of this committee. If the person most recently nominated or elected from one party at the special election for an Assembly or Senate seat, or for the House of Representatives shall be other than the nominee of that party for the same office at the earlier election, the ex officio membership of the latter nominee shall expire immediately upon certification by the Secretary of State of the nomination or, if there is no runoff, the election of the person most recently nominated or elected. Ex officio members shall be entitled to all the rights and privileges, including the right to vote, and shall have the same standing in every way as other members of this committee, except they shall not be entitled to a ballot designation of incumbent upon seeking election to this committee in the next ~~direct~~ *presidential* primary. A person shall be entitled to ex officio membership upon receiving a certificate of nomination from the Secretary of State

1 pursuant to Section 8147, at which time the term of the former
2 nominee shall expire.

3 (b) If the person most recently nominated to the Senate,
4 Assembly, or House of Representatives received ~~less~~ *fewer* votes
5 for the particular office at the ensuing general election than a
6 write-in candidate for the same office, and the write-in candidate
7 is elected to that office, the write-in candidate shall, for purposes
8 of this part, be considered the ex officio member of each affected
9 county, provided that the write-in candidate's affidavit of
10 registration reflects that that candidate has been affiliated with the
11 party for at least six months prior to the general election.

12 (c) If a write-in candidate is entitled to ex officio membership
13 on each affected county central committee pursuant to subdivision
14 (b), each affected county central committee shall; designate the
15 party nominee described in subdivision (b) as an additional ex
16 officio member to its committee. Any person designated as an ex
17 officio member under this subdivision shall be entitled to all the
18 rights and privileges as other ex officio members of the committee.

19 SEC. 8. Section 7420 of the Elections Code is amended to read:

20 7420. (a) At every ~~statewide direct~~ *presidential* primary
21 election, a member ~~shall~~ *may* be elected to a county central
22 committee to replace a member whose term is expiring.

23 (b) When district boundaries are redrawn and districts are
24 renumbered in accordance with the decennial census, a member
25 of a county central committee may run for election in a newly
26 numbered district at the next election even though his or her current
27 term of office has not expired. If a person is elected in the newly
28 numbered district and takes the oath of office, the person is deemed
29 to have resigned from his or her previous district office at that
30 time.

31 SEC. 9. Section 7421 of the Elections Code is amended to read:

32 7421. The elections official, no later than January 31 preceding
33 the ~~direct~~ *presidential* primary, shall compute the number of
34 members of the committee allotted to each Assembly district or
35 supervisor district, as the case may be, pursuant to this article.

36 SEC. 10. Section 7423 of the Elections Code is amended to
37 read:

38 7423. If the elections official, on the 73rd day prior to the ~~direct~~
39 *presidential* primary election, finds that the number of candidates
40 nominated for election to a committee from an Assembly or

1 supervisorial district does not exceed the number of candidates to
2 be elected from that Assembly or supervisorial district, the
3 designation of the office and the names of the candidates shall not
4 be printed on this party's ballot in the Assembly or supervisorial
5 district, unless there is filed with the elections official, not later
6 than 20 days after the final date for filing nomination papers for
7 the positions, *a* petition indicating that a write-in campaign will
8 be conducted for the office, and signed by 25 registered voters
9 affiliated with the political party involved. In lieu thereof, the board
10 of supervisors shall declare elected the candidates who have been
11 nominated, and those candidates shall be entitled to receive
12 certificates of election in the same manner as other candidates
13 elected to a committee.

14 SEC. 11. Section 7425 is added to the Elections Code, to read:

15 7425. Notwithstanding any other provision of law, a county
16 central committee, in accordance with the rules and regulations
17 adopted by the committee, may select its members at any time by
18 holding a caucus or convention, or by using any other method of
19 selection approved by the committee.

20 SEC. 12. Section 7443 of the Elections Code is amended to
21 read:

22 7443. The committees shall perform any other duties and
23 services for this political party as seem to be for the benefit of the
24 party. Members of a county central committee may serve after the
25 expiration date of their terms until the election, *or the selection*
26 *pursuant to Section 7425*, and qualification of the new members
27 replacing them on the county central committees.

28 SEC. 13. Section 7643 of the Elections Code is amended to
29 read:

30 7643. This committee shall conduct party campaigns for this
31 party and in behalf of the candidates of this party. It shall appoint
32 committees and appoint and employ campaign directors and perfect
33 whatever campaign organizations it deems suitable or desirable
34 and for the best interest of the party.

35 This committee shall have power to appoint interim county
36 central committees in all counties in which the voters have not
37 elected one or more county central committee members in the
38 ~~direct~~ *presidential* primary preceding the organization of this
39 committee. Persons appointed to interim county central committees
40 pursuant to this section shall meet the qualifications otherwise

1 required by Chapter 4 (commencing with Section 7650) for
2 appointees to fill vacancies on county central committees. Notice
3 of all appointments pursuant to this section shall be filed by the
4 state central committee with the elections official of the county
5 for which that interim county central committee is appointed.
6 Interim county central committees appointed pursuant to this
7 section shall have all of the powers and privileges afforded county
8 central committees by the provisions of Chapter 4 (commencing
9 with Section 7650), but members of interim county central
10 committees shall not be designated as incumbents on the ballot in
11 the succeeding primary election.

12 SEC. 14. Section 7652 of the Elections Code is amended to
13 read:

14 7652. The incumbent or nominee of each of the following
15 offices shall be an ex officio member of the committee in the
16 county in which he or she resides:

- 17 (a) Governor.
- 18 (b) Lieutenant Governor.
- 19 (c) Secretary of State.
- 20 (d) Controller.
- 21 (e) Treasurer.
- 22 (f) Attorney General.
- 23 (g) Member of the State Board of Equalization.
- 24 (h) United States Senator from California.
- 25 (i) Representative in Congress from California.
- 26 (j) All Members of the Legislature.
- 27 (k) Any person nominated to a partisan office at a special
28 election to fill a vacancy in that office.

29 Ex officio members shall be entitled to all the rights and
30 privileges, including the right to vote, and shall have the same
31 standing in every way as other members of this committee, except
32 they shall not be entitled to a ballot designation of incumbent upon
33 seeking election to this committee in the next ~~direct~~ *presidential*
34 primary.

35 SEC. 15. Section 7670 of the Elections Code is amended to
36 read:

37 7670. At every ~~direct~~ *presidential* primary election, a county
38 central committee ~~shall~~ *may* be elected in each county.

39 SEC. 16. Section 7671 of the Elections Code is amended to
40 read:

1 7671. The Secretary of State, no later than 125 days before the
2 ~~direct~~ *presidential* primary, shall compute the number of members
3 of central committees to be elected in each county, and shall mail
4 a certificate reporting that information to the elections official of
5 each county and to the Chairperson of the American Independent
6 Party State Central Committee.

7 SEC. 17. Section 7673 of the Elections Code is amended to
8 read:

9 7673. If the elections official, on the 73rd day prior to the ~~direct~~
10 *presidential* primary election, finds that the number of candidates
11 nominated for election to a committee from an Assembly or
12 supervisor district does not exceed the number of candidates to be
13 elected from that Assembly or supervisor district, the designation
14 of the office and the names of the candidates shall not be printed
15 on this party's ballot in the Assembly or supervisor district, unless
16 there is filed with the elections official, not later than 20 days after
17 the final date for filing nomination papers for the positions, a
18 petition indicating that a write-in campaign will be conducted for
19 the office and signed by 25 registered voters affiliated with the
20 political party involved. In lieu thereof, the board of supervisors
21 shall declare elected the candidates who have been nominated, and
22 those candidates shall be entitled to receive certificates of election
23 in the same manner as other candidates elected to a committee.

24 SEC. 18. Section 7675 is added to the Elections Code, to read:

25 7675. Notwithstanding any other provision of law, a county
26 central committee, in accordance with the rules and regulations
27 adopted by the committee, may select its members at any time by
28 holding a caucus or convention, or by using any other method of
29 selection approved by the committee.

30 SEC. 19. Section 7680 of the Elections Code is amended to
31 read:

32 7680. Each committee shall meet in the courthouse at its county
33 seat, upon call, which shall be given by the elections official of
34 the county and in quarters to be arranged or provided for by the
35 elections official of the county, on the second Tuesday in July
36 following the ~~direct~~ *presidential* primary election, except that in
37 any year in which a national convention of the party includes that
38 date, the existing executive committee of a committee shall set the
39 date of the meeting, not to exceed 30 days after the date herein
40 specified.

SEC. 20. Section 7692 of the Elections Code is amended to read:

7692. The committee shall perform other duties and services for this political party as seem to be for the benefit of the party. They shall continue to function and exist until the election at the succeeding ~~direct~~ *presidential* primary, *or the selection pursuant to Section 7675*, and qualification of the members of the new committees.

SEC. 21. Section 7750 of the Elections Code is amended to read:

7750. At each ~~direct~~ *presidential* primary election, members of central committees ~~shall~~ *may* be elected in each county.

SEC. 22. Section 7751 of the Elections Code is amended to read:

7751. For the purposes of this chapter, the registration figures used shall be those taken from the statement of voters and their political affiliations transmitted by the elections officials to the Secretary of State on the 135th day prior to the next ~~direct~~ *presidential* primary election.

SEC. 23. Section 7755 of the Elections Code is amended to read:

7755. Each person receiving a Peace and Freedom Party nomination for any partisan public office at the preceding ~~direct~~ *presidential* primary election or at any special election subsequent thereto shall be declared elected as a member of central committees. Any members elected pursuant to this section shall be in addition to the number a county is entitled to elect pursuant to Section 7752.

SEC. 24. Section 7770 of the Elections Code is amended to read:

7770. The state party chairperson, no later than the 135th day before the ~~direct~~ *presidential* primary election, shall notify the Secretary of State whether or not a county central committee election will be held. In the event that a county central committee election is not held, a county central committee will be convened pursuant to rules adopted by the party.

SEC. 25. Section 7771 of the Elections Code is amended to read:

7771. The elections official, no later than the 115th day before the ~~direct~~ *presidential* primary election, shall compute the number of members of central committees to be elected in each

1 supervisorial or Assembly district if the election of the members
2 is to be by supervisorial or Assembly district pursuant to this
3 chapter.

4 SEC. 26. Section 7772 of the Elections Code is amended to
5 read:

6 7772. In each county, the name of each candidate for member
7 of central committees shall appear on the ballot only if she or he
8 has done either of the following:

9 (a) Filed a nomination paper pursuant to Article 2 (commencing
10 with Section 8020) to Article 6 (commencing with Section 8100),
11 inclusive, of Chapter 1 of Part 1 of Division 8, signed in the
12 candidate's behalf by the voters of the central committee election
13 district in which she or he is a candidate.

14 (b) Qualified to have her or his name printed on the ~~direct~~
15 *presidential* primary ballot as a candidate for the Peace and
16 Freedom Party nomination to a partisan public office.

17 SEC. 27. Section 7772.1 of the Elections Code is amended to
18 read:

19 7772.1. Notwithstanding any other provision of law, if the
20 elections official, on the 73rd day prior to the ~~direct~~ *presidential*
21 primary election, finds that the number of candidates nominated
22 for election to a central committee from any election jurisdiction
23 does not exceed the number to be elected from that jurisdiction,
24 the designation of the office and the names of the candidates shall
25 not be printed on this party's ballot in that jurisdiction, unless there
26 is filed with the elections official, not later than 20 days after the
27 final date for filing nomination papers for the positions, a petition
28 signed by 25 registered voters affiliated with the Peace and
29 Freedom Party indicating that a write-in campaign will be
30 conducted for the office. In lieu thereof, the board of supervisors
31 shall declare elected the candidates who have been nominated, and
32 those candidates shall be entitled to receive certificates of election
33 in the same manner as other candidates elected to a central
34 committee.

35 SEC. 28. Section 7780 of the Elections Code is amended to
36 read:

37 7780. The office of member of central committees ~~shall~~ *may*
38 be placed on the ~~direct~~ *presidential* primary ballot under the
39 heading "Party Central Committees" in the place and manner
40 designated for the office of county central committee pursuant to

Chapter 2 (commencing with Section 13100) of Division 13. The subheading printed under party central committees on the ~~direct~~ *presidential* primary ballot shall be in substantially the following form:

Member of Peace and Freedom Party
Central Committees, 55th Assembly District

or

Member of Peace and Freedom Party
Central Committees, Alpine County

SEC. 29. Section 7784 is added to the Elections Code, to read:

7784. Notwithstanding any other provision of law, a county central committee, in accordance with the rules and regulations adopted by the committee, may select its members at any time by holding a caucus or convention, or by using any other method of selection approved by the committee.

SEC. 30. Section 7800 of the Elections Code is amended to read:

7800. At the convention meeting of the state central committee, the state central committee shall consist initially of only those members of central committees elected at the most recent ~~direct~~ *presidential* primary election *or selected pursuant to Section 7784*.

SEC. 31. Section 7840 of the Elections Code is amended to read:

7840. The state central committee shall have power to appoint interim county central committees in the following counties:

(a) Counties in which the voters have not elected one or more members of central committees in the ~~direct~~ *presidential* primary election preceding the organization of this committee.

(b) Counties in which all members of a county central committee are removed from office or cease to be registered as affiliated with the Peace and Freedom Party.

Persons appointed to interim county central committees pursuant to this section shall meet the qualifications otherwise required of appointees to membership on the county central committees. Notice of any appointments pursuant to this section shall be filed by the state central committee with the elections official of the county for which that interim county central committee is appointed. Interim county central committees appointed pursuant to this section shall have all the powers and privileges afforded county central committees by this part.

1 SEC. 32. Section 7850 of the Elections Code is amended to
2 read:

3 7850. At its first meeting on the second Tuesday in July
4 following the ~~direct~~ *presidential* primary election and at subsequent
5 meetings, a county central committee, in its sole discretion, may
6 appoint any additional members to the county central committee
7 as it may desire.

8 SEC. 33. Section 7857 of the Elections Code is amended to
9 read:

10 7857. If no members of central committees have been elected
11 in a county at the preceding ~~direct~~ *presidential* primary election
12 *or selected in a county pursuant to Section 7784*, or, if for any
13 reason all the members of a county central committee are removed
14 from office or cease to be registered as affiliated as members of
15 the Peace and Freedom Party, then an interim county central
16 committee with full powers may be appointed by the state central
17 committee under the procedures specified in Section 7840.

18 SEC. 34. Section 7882 of the Elections Code is amended to
19 read:

20 7882. The committees shall perform other duties and services
21 for this political party as seem to be for the benefit of the party.
22 They shall continue to function and exist until the members of the
23 new committees take office after the succeeding ~~direct~~ *presidential*
24 primary election *or pursuant to Section 7784*.